

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tim Hartnett	Team: Team # 5	CCRB Case #: 200507353	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/28/2005 10:15 PM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 12/28/2006	EO SOL 12/28/2006	
Date/Time CV Reported Tue, 06/28/2005 10:45 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/29/2005 12:16 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Leroy Bedford	17200	923545	NARCBBN
2. POM Yuri Acomata	30773	924862	NARCBBN
3. SGT Roy Bocina	00579	917315	NARCBBN
4. POM Patrick Cherry	08307	926676	NARCBBN
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christopher Castle	05317	928041	NARCBBN
2. POM Ronald Bannister	13431	905754	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM Leroy Bedford	Discourtesy: At § 87(2)(b) in Brooklyn, PO Leroy Bedford spoke obscenely and/or rudely to § 87(2)(b) s.	
B.SGT Roy Bocina	Abuse: Sgt. Roy Bocina authorized the forcible entry into § 87(2)(b) in Brooklyn.	
C.POM Patrick Cherry	Force: At § 87(2)(b) in Brooklyn, PO Patrick Cherry used physical force against § 87(2)(b) s.	
D.SGT Roy Bocina	Force: At § 87(2)(b) in Brooklyn, Sgt. Roy Bocina used physical force against § 87(2)(b) s.	
E.POM Yuri Acomata	Force: At § 87(2)(b) in Brooklyn, PO Yuri Acomata used physical force against § 87(2)(b) s.	

Officer(s)	Allegation	Investigator Recommendation
F.POM Patrick Cherry	Discourtesy: At § 87(2)(b) in Brooklyn, PO Patrick Cherry spoke obscenely and/or rudely to § 87(2)(b) s.	
G.POM Patrick Cherry	Force: At § 87(2)(b) in Brooklyn, PO Patrick Cherry used physical force against § 87(2)(b) s.	
H.POM Patrick Cherry	Abuse: At § 87(2)(b) in Brooklyn, PO Patrick Cherry threatened to arrest § 87(2)(b) s.	
I.POM Patrick Cherry	Discourtesy: At § 87(2)(b) in Brooklyn, PO Patrick Cherry spoke obscenely and/or rudely to § 87(2)(b)	
J.SGT Roy Bocina	Abuse: At § 87(2)(b) in Brooklyn, Sgt. Roy Bocina authorized the search of the car in which § 87(2)(b) s and was an occupant.	
K.SGT Roy Bocina	Abuse: At § 87(2)(b) in Brooklyn, Sgt. Roy Bocina authorized the seizure of § 87(2)(b) s's property.	
L. An officer	Force: At § 87(2)(b) in Brooklyn, an officer struck § 87(2)(b) s with a vehicle.	
M.SGT Roy Bocina	Abuse: At the 73rd Precinct stationhouse, Sgt. Roy Bocina authorized the strip-search of § 87(2)(b) s	
§ 87(4-b) § 87(2)(g)		

### Synopsis:

On June 28, 2005, at about 10:00 p.m., § 87(2)(b) a § 87(2)(b)-old male, approached an unmarked van in which two plainclothes officers, later identified as Officer Leroy Bedford and Officer Yuri Acomata of Narcotics Boro Brooklyn North were sitting. § 87(2)(b) pointed a video camera at the officers and both officers exited the van. PO Bedford then allegedly stated “Cut that fucking camera off,” (allegation A) and asked § 87(2)(b) for his ID. § 87(2)(b) told PO Bedford that his ID was in a car across the street that belonged to his sister, § 87(2)(b). He walked over to the car, got the ID, and handed it to PO Bedford. PO Bedford allegedly stated “You better not have any fucking warrants.” PO Bedford and PO Acomata then allegedly used a flashlight to look into § 87(2)(b)'s car. § 87(2)(b) was upset that officers were focused on his car so he asked his friend, § 87(2)(b) to move the vehicle. When § 87(2)(b) attempted to move the car, he was arrested. § 87(2)(b) then walked into § 87(2)(b) and called his family to tell them about the car. When he got to the front door to exit the house, officers under the authority of Sergeant Roy Bocina allegedly knocked the door down. (allegation B) An officer, later identified as Officer Patrick Cherry, allegedly ran inside and punched § 87(2)(b) in the face. (allegation C) Officers, later identified as PO Cherry, PO Acomata and Sgt. Bocina allegedly handcuffed § 87(2)(b) pulled him out of the house and then threw him onto the ground. (allegations C,D and E) As the same officers then lifted § 87(2)(b) up off the ground, PO Cherry allegedly stated, “Put him in the fucking car,” (allegation F) and officers escorted § 87(2)(b) to an unmarked mini-van. A large crowd had gathered and objected to § 87(2)(b)'s arrest. PO Cherry allegedly punched § 87(2)(b) in the chest, threatened to arrest her and cursed at a member of the crowd who objected to his actions. (allegations G, H and I) Officers under the authority of Sgt. Bocina then searched and seized § 87(2)(b) car. (allegations J and K) While driving § 87(2)(b)'s car away from the incident location, an officer allegedly hit her with the vehicle. (allegation L) After § 87(2)(b) was arrested, an officer under the authority of Sgt. Bocina strip-searched § 87(2)(b) at the 73<sup>rd</sup> Precinct stationhouse § 87(4-b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

### **Summary of Complaint:**

#### **Complainant § 87(2)(b)**

On the night of June 28, 2005, § 87(2)(b) a § 87(2)(b)-old female, called IAB and filed a complaint. (Enc. 12A-C) At about 4:00 a.m. the next morning, she filed a Civilian Complaint Report at the 73<sup>rd</sup> Precinct Stationhouse. (Enc. 13) Her complaints were forwarded to the CCRB on July 6, 2005. In each statement she alleged that on June 28, 2005 at about 10:25 p.m., officers assaulted her son, § 87(2)(b) at § 87(2)(b) in Brooklyn. On July 1, 2005, § 87(2)(b) complaint was forwarded to the CCRB. That same day, Inv. Hartnett called § 87(2)(b) at home and she stated that she did not witness the incident but learned about it shortly after it occurred and filed her complaints based on what she was told had occurred.

#### **Complainant/Victim § 87(2)(b)**

On June 29, 2005, § 87(2)(b) a § 87(2)(b)-old female, called the CCRB and filed a complaint. (Enc. 14A-D) She stated that on June 28, 2005, she was near the corner of § 87(2)(b) in Brooklyn and observed her brother, § 87(2)(b) and her nephew's father, § 87(2)(b) in handcuffs. She saw § 87(2)(b) being banged into a police van and she tried to find out what was happening. She was attempting to speak with a black male officer whom she identified as Officer "Bedford." § 87(2)(g)

As she was speaking with this officer, a white male officer began to argue with her. Based on video footage of the incident this white male officer was identified as PO Patrick Cherry. § 87(2)(b) stated that PO Cherry then punched her "dead center" in her chest and PO "Bedford" and an unidentified civilian caught her to prevent her from falling to the ground from the force of the punch. PO Cherry then said, "Get on the fucking sidewalk, before I fucking arrest you." A witness, § 87(2)(b) asked PO Cherry why he punched § 87(2)(b) PO Cherry responded, "Mind your fucking business." PO Cherry then continued to curse at § 87(2)(b) as other unidentified officers pulled him away from her. All the officers then proceeded to leave the location. PO "Bedford" got into § 87(2)(b)'s car and drove the car away. PO "Bedford" hit § 87(2)(b)'s left leg as he drove the car away.

On July 1, July 7, and July 12, 2005, Inv. Hartnett attempted to contact § 87(2)(b) at home and each time he left a message asking her to call back. On July 12, 2005, Inv. Hartnett attempted to contact § 87(2)(b) at three additional numbers that she provided but the numbers were either disconnected or no one answered the phone. On July 18, 2005, Inv. Hartnett attempted to contact § 87(2)(b) at home and at work and again left messages asking her to call back. On July 25, 2005, Inv. Hartnett made a fifth attempt to contact § 87(2)(b) by calling her at home and again left a message asking her to call back. On July 28, 2005, Inv. Hartnett spoke with § 87(2)(b) who stated that he would have § 87(2)(b) call the investigator.

On August 3, 2005, § 87(2)(b) left a voice-mail message asking Inv. Hartnett to call her back and provided an alternate number where she could be reached. On August 4, 2005, Inv. Hartnett attempted to contact § 87(2)(b) at the new number she provided but it was disconnected. On August 8, 2005, Inv. Hartnett sent a please call letter to § 87(2)(b) On August 12, 2005, § 87(2)(b) called Inv. Hartnett. She did not have time to provide a phone statement but scheduled an appointment for August 17, 2005. On August 17, 2005, § 87(2)(b) failed to make her appointment and failed to call beforehand to cancel or reschedule. That same day a missed appointment letter was sent to § 87(2)(b)

As explained below, § 87(2)(b) provided a statement at the CCRB on August 12, 2005 and he made allegations in which § 87(2)(b) was the victim. Although § 87(2)(b) was clearly uncooperative, because the case was open, Inv. Hartnett attempted to contact § 87(2)(b) in order to at least get a phone statement from her. On October 17, 2005, Inv. Hartnett attempted to contact § 87(2)(b) at all of the known phone numbers for her but only her home phone number was connected. Inv. Hartnett left a message at that number asking § 87(2)(b) to call back. That same day a please call letter was sent to her home. On October 24, 2005, § 87(2)(b) called and asked to schedule an in-person interview at the CCRB for October 26, 2005. On October 26, 2005, § 87(2)(b) came to CCRB but stated that she wanted to speak with § 87(2)(b)'s attorney before making a statement. She rescheduled her appointment for November 2, 2005. On November 2, 2005, she failed to make her appointment and failed to call beforehand to cancel or reschedule. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### **Results of Investigation:**

#### **Victim § 87(2)(b)**

At about § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) (Enc. 15A-B). He told medical staff that police officers punched him in the mouth and hit him in the left shoulder. At 1:43 a.m. on that June 29, 2005, officers from the Internal Affairs Bureau (IAB) interviewed § 87(2)(b) at § 87(2)(b) (Enc. 16A-D). On August 12, 2005, he was interviewed at the CCRB. (Enc. 17A-F) § 87(2)(g)

§ 87(2)(b)

During the incident § 87(2)(b) learned the first name an officer identified through investigation as Officer Leroy Bedford by hearing other officers refers to him as "Leroy." In his CCRB interview he described PO Bedford as being a black male, between the ages of 45-55 years old and wearing a baseball cap and a sports jersey. During his IAB and CCRB interviews, § 87(2)(b) did not know the names of any of the other officers involved in the incident. During his IAB interview he provided a description of only one of the officers. He described the officer identified through investigation as Officer Patrick Cherry as being a white male, about 5'9" tall, weighing about 170 lbs. and wearing street clothes. During his CCRB interview, § 87(2)(b) provided descriptions for 5 of the 6 officers involved in the incident. He described the officer identified through investigation as PO Cherry as being a white or Hispanic male, 5'8"-5'9" tall, weighing about 170 lbs. and having a light beard at the time. He described the officer identified through investigation as Officer Yuri Acomata as being an Asian male, 30-35 years old and wearing a baseball cap and street clothes. He described the officer identified through investigation as Officer Ronald Bannister as being a black male, 35-45 years old and heavyset. He described the officer identified through investigation as Officer Christopher Castle as being a white male, 35-40 years old and having short spiked hair. § 87(2)(b) is a § 87(2)(b)-old, black male, is 5'8" tall and weighed 230 lbs. at the time of his CCRB interview.

§ 87(2)(b) stated that on June 28, 2005 at approximately 10:00 p.m. he was with some friends and they were sitting on the front steps of § 87(2)(b) in Brooklyn. The house belongs to § 87(2)(b) and § 87(2)(b) two of § 87(2)(b)'s friends who were sitting with him on the steps. For a few hours prior to this point § 87(2)(b) had been walking up and down the block and going in and out of houses of various friends and he had noticed PO Leroy Bedford and PO Yuri Acomata driving around in an unmarked blue van. The two officers parked their van in front of § 87(2)(b) at about 9:30 p.m.

While § 87(2)(b) was in front of § 87(2)(b) a young girl named § 87(2)(b) was sitting in front of her home located at § 87(2)(b) § 87(2)(b) noticed that § 87(2)(b) had a video camera in her hands, walked over to her house, borrowed the camera and began to film the police van. PO Bedford and PO Acomata exited the van and approached § 87(2)(b) PO

Bedford stated, "Cut that fucking camera off." § 87(2)(b) told the officers that he would not turn it off and stated, "This be how the police be bothering people all day." PO Bedford then responded, "Stop playing games, cut the fucking camera off." § 87(2)(b) turned the camera off, handed the camera back to § 87(2)(b) and told her to go inside her home. In his IAB interview, § 87(2)(b) provided a different version of events. He indicated that the Hispanic officer who was with him at § 87(2)(b), identified through investigation as PO Acomata, was the one who told him to turn the camera off and he complied with the officer's request. § 87(2)(b) also made no mention of PO Acomata cursing at him.

After § 87(2)(b) went inside with the camera, PO Bedford asked § 87(2)(b) for his ID. § 87(2)(b) stated that his ID was inside § 87(2)(b)'s car, which was parked across the street. § 87(2)(b) walked over to his sister's car and got his ID. He then walked back across the street, handed his ID to PO Bedford and walked a few feet away from the officer. PO Bedford took the ID and stated, "You better not have any fucking warrants." In his IAB interview, § 87(2)(b) stated that PO Acomata, not PO Bedford, was the officer who asked him for his ID and commented on having warrants. § 87(2)(b) also changed the comment to "damn warrants" instead of "fucking warrants." He added that PO Bedford and PO Acomata stated that they had seen him selling drugs.

After § 87(2)(b) gave PO Bedford his ID, PO Bedford walked to the rear of § 87(2)(b)'s car and used his radio to call in § 87(2)(b)'s information and check if he had any warrants. PO Acomata told § 87(2)(b) not to move but he ignored PO Acomata and walked up and down his block for a few minutes. While § 87(2)(b) was walking around, PO Acomata and PO Bedford used a flashlight to peer into the car but did not go inside of it.

§ 87(2)(b) was upset and confused about the officers focusing on his sister's car. He approached § 87(2)(b) who one of his friends that was sitting in front of § 87(2)(b). He handed § 87(2)(b) the keys to § 87(2)(b)'s car and told § 87(2)(b) to move it down the block. § 87(2)(b) walked across the street and got inside the car. PO Acomata then approached § 87(2)(b) and asked to see his driver's license. § 87(2)(b) told PO Acomata that his driver's license was suspended. PO Bedford then told § 87(2)(b) that he was going to be arrested and the car was going to be seized because he was trying to drive it without a license. § 87(2)(b) got out of the car, handed the car keys to PO Acomata and PO Bedford placed him into handcuffs.

As § 87(2)(b) was being arrested, § 87(2)(b) went into § 87(2)(b) to call his family. Neither officer told him to stop or not to go inside his house. At the front of the house is a main door and inside the door is a short vestibule. At the end of that vestibule is a screen door that leads to the rest of the house. Once inside the house, § 87(2)(b) used a house phone to call his mother, § 87(2)(b) and he told her what the situation was with § 87(2)(b)'s car.

After talking to his mother, § 87(2)(b) walked back towards the front door. When he got to the screen door he heard two loud thumps on the front door. After the second thump, the front door came off the hinges and fell to the ground. PO Cherry ran through the front doorway, punched § 87(2)(b) in the face, and ran back outside. Several officers then ran into the house, grabbed § 87(2)(b) placed him against a wall, handcuffed him and escorted him outside. § 87(2)(b) did not recall who these officers were but through investigation they were identified as PO Cherry, PO Acomata and Sergeant Roy Bocina. A few feet in front of the entrance of § 87(2)(b) the escorting cops pushed § 87(2)(b) to the ground. At this point he was noticed that his lip was bleeding. Several neighbors formed a circle around § 87(2)(b) saw that he was bleeding and asked what was going on.

After few seconds, PO Cherry stated, "Put him in the fucking car." PO Cherry, PO Acomata and Sgt. Bocina picked § 87(2)(b) up off of the ground, brought him to an unmarked Dodge Durango SUV and attempted to place him in the car. § 87(2)(b) kicked the door of the SUV closed in order to stop the officers from placing him in the car. He stated that he did not want to get into the car without speaking to his sister. The officer then walked him over to a Dodge Caravan mini-van that was parked down the street. By the time he got to the mini-van, his sister arrived at the location. § 87(2)(b) asked what happened to his lip, § 87(2)(b) pointed towards PO Cherry and told his sister that PO

Cherry was the officer who had hit him. § 87(2)(b) approached PO Cherry and asked why he had hit § 87(2)(b). PO Cherry told § 87(2)(b) “Back the fuck up.” PO Bannister was standing at the mini-van and told § 87(2)(b) to calm down and just get in the van. § 87(2)(b) then allowed the officers to place him in the mini-van with § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) were taken to the 73<sup>rd</sup> Precinct stationhouse. At the stationhouse, they were placed into a cell. After a few minutes, PO Bannister took § 87(2)(b) to a separate room, made him take off his clothes and bend over. § 87(2)(b) bent over in front of PO Bannister and the officer told him to put his clothes back on. After the search, § 87(2)(b) was placed in a cell with § 87(2)(b). About 20-30 minutes after § 87(2)(b) arrived at the precinct, Emergency Medical Services (EMS) technician arrived. § 87(2)(b) told an EMS technician that his shoulder hurt and the EMS technician said they would take him to the hospital. He was escorted out the back of the stationhouse, placed in an ambulance and taken to § 87(2)(b). PO Bannister and PO Acomata went with § 87(2)(b) to the hospital. A doctor at the hospital told him that he did not need an X-ray but he could get a few stitches in his mouth if he needed it. § 87(2)(b) told the doctor he didn’t want stitches and was taken back to the stationhouse. He was charged with § 87(2)(b). § 87(2)(b) He was released the next day. § 87(2)(b)

In his CCRB interview, § 87(2)(b) denied that either he or § 87(2)(b) were selling drugs during or prior to this incident. In his IAB interview he stated, § 87(2)(b) said it was his drugs and they’re still charging me with this shit” and he acknowledged that drugs were found in his sister’s car. In his CCRB interview, § 87(2)(b) denied being intoxicated or under the influence of drugs during the incident but admitted to smoking marijuana on occasion. In his statement to hospital staff immediately after the incident, he acknowledged that he had recently used marijuana and consumed beer.

#### **Victim § 87(2)(b)**

Based on the statement of § 87(2)(b) § 87(2)(b) was identified as victim because PO Cherry allegedly told § 87(2)(b) “Mind your fucking business.” § 87(2)(b) was never able to provide any contact information for § 87(2)(b) and § 87(2)(b) did not know who § 87(2)(b) was. On July 18, 2005, Inv. Hartnett attempted to find contact information for § 87(2)(b) by using MetroSearch and Anywho.com but had negative results. § 87(2)(g)

#### **Victims § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) were identified as victims based on the facts that they reside at § 87(2)(b) in Brooklyn and their door was the one that was allegedly knocked down. On November 3, 2005, Inv. Hartnett spoke with § 87(2)(b) at his home. § 87(2)(b) refused to speak with Inv. Hartnett about the incident but agreed to give one of Inv. Hartnett’s business cards to his wife, § 87(2)(b) so that she could call if she was willing to make statement. § 87(2)(b) did not provide a specific reason for his refusal. IAB’s related Investigating Officer Report listed a home phone number for § 87(2)(b). On January 10, 2005, Inv. Hartnett attempted to contact § 87(2)(b) and § 87(2)(b) at that number but it was disconnected. That same day, a please call letter was sent to § 87(2)(b) and § 87(2)(b). § 87(2)(g) never responded to Inv. Hartnett’s attempts to contact her. § 87(2)(g)

#### **Witnesses § 87(2)(b) and § 87(2)(b)**

When § 87(2)(b) filed her complaint with IAB, she identified § 87(2)(b) and § 87(2)(b) as witnesses. The two men’s relationship to § 87(2)(b) was not made clear. On June 28, 2005, § 87(2)(b) and § 87(2)(b) each provided a phone statement to IAB. (Enc.12A-C) § 87(2)(b) told IAB that he and § 87(2)(b) were standing outside on the sidewalk when they saw four officers kick open

§ 87(2)(b)'s door, enter his home and arrest him. § 87(2)(b) told IAB that he was in his driveway when he saw four or five officers coming out of § 87(2)(b) with § 87(2)(b). § 87(2)(b) was not in handcuffs and the officers were punching him in the ribs. § 87(2)(b) also stated that officers claimed that there was marijuana inside of the vehicle.

On January 10, 2006, Inv. Hartnett attempted to contact § 87(2)(b) and § 87(2)(b) at the contact numbers listed for them in the IAB Investigating Officer Report. § 87(2)(b) contact number was the same phone number that belonged to § 87(2)(b) and § 87(2)(b). Inv. Hartnett left messages at each number asking the two men to call back. On that same date, please call letters were sent to both men. Neither § 87(2)(b) nor § 87(2)(b) responded to Inv. Hartnett's attempts to contact them. § 87(2)(g)

#### **Other Civilian Witnesses:**

Based on § 87(2)(b)'s statements, § 87(2)(b) was identified as a witness in this case. § 87(2)(b) was arrested along with § 87(2)(b) and was present during the entire incident. § 87(2)(b) did not have any contact information for § 87(2)(b). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] . On October 11, 2005, Inv. Hartnett sent a please call letter to the address found on § 87(2)(b)'s arrest report, § 87(2)(b) in Brooklyn. That same day, Inv. Hartnett searched MetroSearch, Whitepages.com and the Coles Directories for § 87(2)(b)'s address and phone number but had negative results. On October 17, 2005, Inv. Hartnett sent a second please call letter to § 87(2)(b). On November 3, 2005, Inv. Hartnett conducted fieldwork along the § 87(2)(b) § 87(2)(b). There was no § 87(2)(b) and no one answered the door at § 87(2)(b) § 87(2)(b) the highest numbered building on the block. § 87(2)(g)

Based on § 87(2)(b)'s statements, § 87(2)(b) was also identified as a witness in this case. On November 3, 2005, Inv. Hartnett went to § 87(2)(b) and spoke with § 87(2)(b) who stated that § 87(2)(b) is her § 87(2)(b)-old daughter and was not home. § 87(2)(b) stated that she would speak with her daughter and she or her daughter would call the CCRB. Inv. Hartnett gave § 87(2)(b) a please call letter and copy of his business card. IAB's related Investigating Officer Report listed a home phone number for § 87(2)(b). On January 10, 2006, Inv. Hartnett attempted to contact § 87(2)(b) at that number but it belonged to an unidentified woman who did not know § 87(2)(b) or § 87(2)(b). On January 10, 2006, a please call letter was sent to § 87(2)(b) and § 87(2)(b). Neither § 87(2)(b) nor § 87(2)(b) ever responded to Inv. Hartnett attempts to contact them. Based on their unwillingness to cooperate it was decided to continue the investigation without § 87(2)(b)'s statements.

#### **Officer Leroy Bedford, Narcotics Boro Brooklyn North:**

On June 28, 2005, Officer Leroy Bedford prepared Arrest Report number § 87(2)(b) in regards to the arrest of § 87(2)(b) and Arrest Report number § 87(2)(b) in regards to the arrest of § 87(2)(b) (Encs.18A-19C) § 87(2)(a) 160.50

On that same date, PO Bedford noted the arrests in his memo book. (Enc. 20A-C) There is no notation in either arrest report or PO Bedford's memo book that indicates whether § 87(2)(b) was strip-searched.

On November 14, 2005, PO Bedford was interviewed at the CCRB. (Enc. 21A-B) PO Bedford is a § 87(2)(b) year-old dark-skinned Hispanic male, has a black hair and is about 5'10" tall. At the time of his CCRB interview, he weighed 190 lbs. He stated that on June 28, 2005, he was in a blue unmarked van with PO Acomata and they were parked in front of § 87(2)(b) in Brooklyn, which is located a few feet away from the corner of § 87(2)(b) § 87(2)(b). From about 9:45p.m. until 10:15 p.m., he



and PO Acomata had observed two males, later identified as § 87(2)(b) and § 87(2)(b) talking to various people along § 87(2)(b) and then going back and forth to a car that was parked across the street from § 87(2)(b). On two occasions, PO Bedford saw § 87(2)(b) get small objects from inside his car and then hand the small objects to unidentified individuals in exchange for cash. Based on these observations and PO Bedford's past experience making arrests for drug sales, he believed that § 87(2)(b) and § 87(2)(b) were selling drugs out of the parked car. PO Bedford decided to wait to arrest § 87(2)(b) because the rest of his field team was at various other posts and they were conducting their own observations. PO Bedford noted that § 87(2)(b) was not the focus of his team's operations; § 87(2)(b) just happened to be selling drugs nearby.

At about 10:15 p.m., § 87(2)(b) approached PO Bedford's van, crouched down behind the van, gestured that he had binoculars in his hands and shouted, "It's the police." § 87(2)(b) walked away, approached a young woman on § 87(2)(b) and borrowed her video camera. He then brought the video camera over to PO Bedford's van and began to film PO Bedford and PO Acomata while continuing to shout that they were the police. PO Bedford decided that he could not longer wait to arrest § 87(2)(b) so he made a call on his point-to-point radio to his field team asking for assistance and then he and PO Acomata exited their van.

Both officers approached § 87(2)(b) and as he walked in front of § 87(2)(b) PO Bedford told § 87(2)(b) to turn off his video camera and asked him for his ID. PO Bedford did not recall stating, "Cut that fucking camera off" or "You better not have any fucking warrants." PO Bedford noted that his intent was to arrest § 87(2)(b) but he was asking for ID in order to stall until the rest of the field team arrived. § 87(2)(b) turned off the camera and stated that his ID was in his car. He then walked over to his car and began to reach inside the car. PO Bedford told § 87(2)(b) to stop and tell him where inside the car he had the ID. § 87(2)(b) became agitated and shouted to § 87(2)(b) stating, "Get the car and get the hell out of here." § 87(2)(b) then approached the car and § 87(2)(b) handed his car keys to § 87(2)(b). § 87(2)(b) ran inside the car and put the keys in the ignition. PO Acomata placed the upper half of his body in the car through an open window on the front driver's side. § 87(2)(b) placed the car in drive and PO Acomata immediately put the transmission back into park and took the keys out of the ignition. PO Acomata then pulled § 87(2)(b) out of the car and asked if he had a driver's license. § 87(2)(b) stated that he did not and PO Bedford handcuffed § 87(2)(b) in order to arrest him for driving without a license and selling drugs.

As PO Bedford was handcuffing § 87(2)(b) a crowd of 30-40 civilians began to form in the streets and Sgt. Bocina and PO Cherry arrived at the location. PO Bedford told Sgt. Bocina he needed § 87(2)(b) to be handcuffed. Upon hearing this, § 87(2)(b) ran towards § 87(2)(b). At this point, about 4-5 civilians had approached § 87(2)(b) and attempted to pull him away from PO Bedford. PO Bedford's attention had to remain on § 87(2)(b) so he did not see how § 87(2)(b) was apprehended. After a minute or so, members of the field team brought § 87(2)(b) back across the street in handcuffs and placed him in one of the team's vehicles. § 87(2)(b) had blood on his shirt but PO Bedford did not recall if or where § 87(2)(b) was injured. Members of the crowd became very loud and violent as § 87(2)(b) was escorted across the street. Some people were shouting and some were kicking the car that § 87(2)(b) was placed in.

After a few minutes, § 87(2)(b) and § 87(2)(b) were transported to the 73<sup>rd</sup> Precinct stationhouse where their arrests were processed. PO Bedford did not recall if § 87(2)(b) was strip-searched at the stationhouse. PO Bedford did not witness any officer punch or hit § 87(2)(b). He did not recall any officers stating "Get him in the fucking car". He did not witness any officer telling members of the crowd to "back the fuck up" or telling them that they could be arrested. He did not see any officers hit any members of the crowd. He did recall if § 87(2)(b)'s car was searched or seized.

#### **Officer Yuri Acomata, Narcotics Boro Brooklyn North:**

On February 21, 2006, Officer Yuri Acomata was interviewed at the CCRB. (Enc. 29A-C) PO Acomata is a § 87(2)(b) old Hispanic male, has black hair and is about 5'8" tall. At the time of his CCRB interview, he weighed 200 lbs. § 87(2)(g)

§ 87(2)(g) He stated that he and PO Bedford were at the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn because § 87(2)(b) was a “Kite,” which means that civilians had called and identified the location as place where drugs are being sold. PO Acomata’s description of § 87(2)(b)’s selling drugs, approaching the officer’s van with a video camera and the two officers stopping § 87(2)(b) was consistent with that of PO Bedford. He did not recall any officer telling § 87(2)(b) “Cut that fucking camera off.” PO Acomata stated that he did not get inside the car as described by PO Bedford but instead stood in front of the car and ordered § 87(2)(b) out of the car. When § 87(2)(b) got out of the car PO Bedford handcuffed him.

As for when Sgt. Bocina and PO Cherry arrived at the location, PO Acomata agreed that PO Bedford told Sgt. Bocina he needed § 87(2)(b) to be handcuffed and upon hearing this § 87(2)(b) ran towards § 87(2)(b). PO Acomata added that he, Sgt. Bocina and PO Cherry immediately ran after § 87(2)(b) who ran into a vestibule at the front of the ground floor apartment of § 87(2)(b) and § 87(2)(b) attempted to close the front door on the officers. PO Acomata, Sgt. Bocina and PO Cherry pushed the door open, grabbed § 87(2)(b) pulled him out of the vestibule and pulled him to the ground. While on the ground Sgt. Bocina and PO Cherry attempted to handcuff § 87(2)(b) but he kept moving his arms and refused to place them behind his back. § 87(2)(b) also kept asking, “Why are you arresting me?” PO Acomata did not see any officers punch or hit § 87(2)(b) during his apprehension and he did not recall seeing any injuries to § 87(2)(b) at the time of his apprehension. After a minute or so, Sgt. Bocina and PO Cherry were able to handcuff § 87(2)(b). PO Acomata, Sgt. Bocina and PO Cherry then walked § 87(2)(b) to van and placed inside the vehicle.

PO Acomata did not witness any officers state, “Put him in the fucking car” in reference to § 87(2)(b). He did not recall if he or any other members of his field team told members of the crowd to back away, stated, “Back the fuck up,” or pushed members of the crowd. PO Acomata did not witness any officers search § 87(2)(b)’s car at the arrest location and did not know if any such search occurred. PO Acomata did not recall if § 87(2)(b) was strip-searched but stated that given the fact that he was arrested for drugs, such a search most likely occurred. PO Acomata added that about an hour after the arrest, staff from EMS came to the 73<sup>rd</sup> Precinct stationhouse, looked at § 87(2)(b) and determined that he needed to go to the hospital. PO Acomata went with § 87(2)(b) to § 87(2)(b) and then returned to the stationhouse a few hours later. PO Acomata did not recall what injuries § 87(2)(b) had or when he sustained them.

#### **Sergeant Roy Bocina, Narcotics Boro Brooklyn North:**

On January 17, 2006, Sergeant Roy Bocina was interviewed at the CCRB. (Enc. 23A-B) Sgt. Bocina is a § 87(2)(b)-old white male, has black hair and is about 5’7” tall. At the time of his CCRB interview he weighed 190 lbs. Sgt. Bocina stated that on June 28, 2005, at about 10:25 p.m., he was in an unmarked Dodge Durango SUV with PO Cherry when they received a radio call from PO Bedford asking for assistance at § 87(2)(b). When they arrived at the location, PO Bedford had § 87(2)(b) in handcuffs next to a car across the street from § 87(2)(b).

Sgt. Bocina’s description of § 87(2)(b)’s flight into § 87(2)(b) was consistent with the statement of PO Acomata. He added that after they opened the front door of § 87(2)(b) § 87(2)(b) swung his fist at Sgt. Bocina. The sergeant attempted to grab § 87(2)(b)’s head in order to pull him to the ground and inadvertently hit § 87(2)(b) in the face with the palm of his hand. After the hit, Sgt. Bocina was able to grab § 87(2)(b)’s head and he, PO Cherry and PO Acomata were able to pull § 87(2)(b) out of the vestibule and to the ground. Sgt. Bocina denied that he or any other officers used any other force to apprehend § 87(2)(b) and noted that § 87(2)(b) refused to place his hand behind his back while they attempted to handcuff him. Sgt. Bocina did not recall what, if any, injuries § 87(2)(b) had beyond a few scrapes on his face and arms.

Sgt. Bocina’s description of the crowd that formed was consistent with that of PO Acomata. Sgt. Bocina added that PO Castle and PO Bannister arrived at the location after § 87(2)(b) was placed in handcuffs and they attempted to keep the crowd back as § 87(2)(b) was walked over to the prisoner

van and placed inside. Sgt. Bocina also added that some members of the crowd were pushing members of the field teams and officers told a few members that they would be arrested if they did not back away from the police. Sgt. Bocina did not recall which officers made these comments. Sgt. Bocina denied that officers stated, “Back the fuck up.”

After the arrests, PO Bedford told Sgt. Bocina that he and PO Acomata had observed § 87(2)(b) and § 87(2)(b) selling drugs out of the car that was parked across the street from § 87(2)(b). Sgt. Bocina also added that PO Bedford and PO Acomata searched § 87(2)(b)'s car and found 19 Ziplock bags of marijuana inside the car. Sgt. Bocina stated that a member of the field team drove § 87(2)(b)'s car back to the 73<sup>rd</sup> Precinct stationhouse because it was arrest evidence but he did not recall which officer did so. At the stationhouse, a member of the field team strip-searched § 87(2)(b) due to the fact that he was arrested for narcotics sales and may have had drugs hidden in his clothes. Sgt. Bocina did not recall if this strip-search was documented or who conducted it but noted that he authorized it. On that June 28, 2005, Sgt. Bocina noted the arrest of § 87(2)(b) and § 87(2)(b) in his memo book. (Enc. 22A-B) There is no notation in his memo book that indicates whether § 87(2)(b) was strip-searched.

#### **Officer Patrick Cherry, Narcotics Boro Brooklyn North:**

On January 17, 2006, Officer Patrick Cherry was interviewed at the CCRB. (Enc. 30A-B) PO Cherry is a § 87(2)(b)-old white male, has brown hair and is about 6’0” tall. At the time of his CCRB interview, he weighed 185 lbs. § 87(2)(g)

§ 87(2)(b) He did not recall Sgt. Bocina hitting § 87(2)(b) in the face. He stated that the only force used against § 87(2)(b) was pulling him to the ground and forcing his hands behind his back. PO Cherry did not witness any officers state, “Put him in the fucking car” in reference to § 87(2)(b) § 87(2)(g)

§ 87(2)(b) He noted that no members of the crowd made contact with any of the officers’ or directly interfered with the apprehension of § 87(2)(b) and § 87(2)(b). PO Cherry stated that he and other officers had to tell members of the crowd to stand on the sidewalk but neither he or any other officer told members of the crowd “Back the fuck up” or hit any members of the crowd.

PO Cherry noted that he did not interact with § 87(2)(b) and § 87(2)(b) at the 73<sup>rd</sup> Precinct stationhouse. PO Cherry had no other interaction with § 87(2)(b) and § 87(2)(b). He did not recall if § 87(2)(b)'s car was searched or seized and did not know if § 87(2)(b) was strip-searched at the stationhouse.

#### **Officer Christopher Castle, Narcotics Boro Brooklyn North:**

On January 17, 2006, Officer Christopher Castle was interviewed at the CCRB. (Enc. 25A-B) PO Castle is a § 87(2)(b)-old white male, has brown hair and is about 6’1” tall. At the time of his CCRB interview, he weighed 180 lbs. § 87(2)(g)

At the time of the incident he was in an unmarked gold Ford Freestar mini-van with PO Bannister and they received a radio call from PO Bedford asking for assistance at § 87(2)(b) in Brooklyn. When they arrived at the location, PO Bedford had § 87(2)(b) in handcuffs next to a car in front of § 87(2)(b) § 87(2)(b). Sgt. Bocina, PO Cherry and PO Acomata were pulling § 87(2)(b) out of § 87(2)(b) and onto a patio in front of the building. As with Sgt. Bocina, PO Cherry and PO Acomata, PO Castle stated that § 87(2)(b) was kicking his legs and screaming at the officers as they pulled him down onto the patio and tried to handcuff him. PO Castle added that he ran over to the patio and attempted to assist the officers with grabbing § 87(2)(b)'s arms and handcuffing him. PO Castle denied that he or any other officer uses any physical force against § 87(2)(b) aside from pulling his arms behind his back. When § 87(2)(b) was lifted off the ground and walked over to PO Castle's mini-van, PO Castle noticed a small laceration to his head but he did not know how that injury was sustained.

PO Castle stated that he did not speak with any members of the crowd but recalled that some members of the crowd approached the officers who were placing § 87(2)(b) inside the mini-van and those

individuals were told to back up. He did not know of any officers telling members of the crowd to, "Back the fuck up" or stating, "Put him in the fucking car." He did not recall any officer telling members of the crowd they could be arrested and did not witness any officers pushing any members of the crowd.

PO Castle stated that he and PO Bannister transported § 87(2)(b) and § 87(2)(b) to the 73<sup>rd</sup> Precinct stationhouse. At the stationhouse, PO Bedford processed the two arrests. PO Castle was not involved in the processing and did not know if § 87(2)(b) was strip-searched but given the nature of his arrest he assumed that he was. PO Castle did not know of any officers searching § 87(2)(b)'s car at the arrest location but recalled that it was seized and taken back to the stationhouse. At the stationhouse, PO Castle conducted an inventory search of the vehicle but did not find any contraband or weapons.

#### **Officer Ronald Bannister, Narcotics Boro Brooklyn North:**

On January 17, 2006, Officer Ronald Bannister was interviewed at the CCRB. (Enc. 27A-B) PO Bannister is a § 87(2)(b)-old black male, has black hair and is about 6'2" tall. At the time of his CCRB interview, he weighed 255 lbs. § 87(2)(g)

He stated that upon arriving at the location he ran over to the patio of § 87(2)(b) with PO Castle. He did not become involved in the handcuffing of § 87(2)(b) and because a large crowd had formed he stood in front of the patio to make sure no civilians interfered with § 87(2)(b)'s apprehension. PO Bannister did not witness any officers hit § 87(2)(b) or punch him in the face. As § 87(2)(b) was lifted up off the patio, PO Bannister noticed a small scrape on his forehead and blood on his shirt. He did not know how § 87(2)(b) sustained this injury. PO Bannister did not recall what, if anything, officers said to the crowd and did not witness any officers make physical contact with members of the crowd. He did not recall any officers cursing at the crowd or telling members of the crowd that they could be arrested. PO Bannister did not know of any officers searching § 87(2)(b)'s car at the arrest location or if any cars were seized or searched in regards to this incident. PO Bannister was not involved in the arrest processing of § 87(2)(b)'s arrest at the 73<sup>rd</sup> Precinct and did not know if § 87(2)(b) was strip-searched.

PO Bannister added that at some point after the field team arrived at the stationhouse, Sgt. Bocina made a radio call requesting EMS come to the stationhouse for § 87(2)(b). EMS arrived and about 5-10 minutes later, PO Bannister and PO Acomata went with § 87(2)(b) as he was transported to § 87(2)(b) via an ambulance. They later transported § 87(2)(b) back to the stationhouse after he was treated for his injuries. PO Bannister did not recall how or when § 87(2)(b) was injured or what specific injury he sustained.

On that June 28, 2005, PO Bannister noted the arrest of § 87(2)(b) and § 87(2)(b) in his memo book. (Enc. 26-A-C) There is no notation in his memo book that indicates whether § 87(2)(b) was strip-searched.

#### **Video Footage:**

On June 29, 2005, § 87(2)(b) of § 87(2)(b) in Brooklyn, mother of § 87(2)(b) provided IAB with a copy of the videotape of the incident in front of her home on June 28, 2005. (Enc. 35) On December 9, 2005, IAB provided the CCRB with a copy of the tape.

The tape begins at about 10:06 p.m. with the camera aimed at dark blue mini-van that is parked along the sidewalk in front of § 87(2)(b) in Brooklyn. The driver's side door opens and a male who is off camera, later identified as § 87(2)(b) is heard asking, "That dude right there?" An unidentified female who is also off camera responds, "Turn the camera off," and the camera turns off.

At about 10:15 p.m., the camera is turned back on and is focused on a gold mini-van that is parked in the middle of street in front of § 87(2)(b) in Brooklyn. The film is being taken from the driver's side of the van and from either the second or third floor in one of the homes on north side of § 87(2)(b). PO Bannister, PO Bedford, PO Cherry, PO Acomata, and Sgt. Roy Bocina are all standing on the passenger's side of the van and facing the van. The passenger's side center sliding door is open but the

interior of the van is not visible because the windows are tinted. PO Castle is standing at the front driver's side door of the van. At least 20 male and female civilians are gathered around the passenger's side of the van and are within a foot or two from the officers.

As the video proceeds, PO Cherry turns towards the crowd and begins to argue with a black female. Based on the statements of § 87(2)(b) and § 87(2)(b) this woman was identified as § 87(2)(b) § 87(2)(b) is facing the van, approaches PO Cherry and states, "What happened to him?" PO Cherry shouts, "Get on the sidewalk," and points his finger toward the sidewalk behind § 87(2)(b) She does not move and PO Cherry quickly lunges his body towards § 87(2)(b) but does not touch her. § 87(2)(b) then shouts, "Get off my chest" and takes a few steps back from the officer. Neither PO Cherry nor any other officers punches or pushes § 87(2)(b) or curses at her. Several civilians can be heard yelling and cursing at the officers.

After about 10-15 seconds, Sgt. Bocina closes the side door of the van. PO Bedford, PO Cherry, PO Acomata, and Sgt. Bocina all walk toward vehicles that are parked behind the gold mini-van. At this point the camera goes in and out of focus and moves around erratically making it difficult to see what is going on. After a second or two, the camera focuses in on PO Cherry as he and PO Bedford walk towards § 87(2)(b)'s blue sedan that is parked a few feet behind the gold mini-van. PO Bedford walks off camera and PO Cherry enters the front passenger's side seat of a silver SUV that is parked to the left of § 87(2)(b)'s car. The driver's seat of § 87(2)(b)'s car is not visible because it is being blocked by the silver SUV in this camera angle.

A few seconds later, the camera zooms out and Sgt. Bocina can be seen in the driver's seat of the silver SUV. A blue mini-van pulls up beside the silver SUV. The gold mini-van, the blue mini-van, the silver SUV and § 87(2)(b)'s car then slowly pull away from the location. § 87(2)(b)'s car is now visible but the driver of the car cannot be seen because the car has tinted windows. Several civilians are standing in front of § 87(2)(b)'s car as its engine is started. All the civilians stand aside so as not to be hit by the car. As § 87(2)(b)'s car is pulled away no civilians can be seen being hit by the car and no civilians react in any manner that suggests that they are hit by the car. The camera is then turned off.

At about 10:19 p.m., the camera is turned back on and is pointed at the front doorway of § 87(2)(b) § 87(2)(b). The door still attached to the doorframe but the lower hinge appears to be pulled about halfway off of the doorframe. The upper hinge is still intact.

#### **Medical Records:**

On June 28, 2005, at 11:14 a.m., § 87(2)(b) was seen by EMS staff at the 73<sup>rd</sup> Precinct stationhouse and transported him to § 87(2)(b) via an ambulance. (Enc. 31A-D) According to Ambulance Call Report, § 87(2)(b) had swelling to the left side of his face and his lip was bleeding. § 87(2)(b) also complained of pain in his left shoulder and the left side of his face.

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) (Enc. 32A-F) According to hospital records, § 87(2)(b) had tenderness and bruising on the left side of his face and on front portion of his left shoulder. He also had a ¼ cm long cut on the inside of his lip and was given a Tetanus shot.

#### **Police Documents:**

On June 28, 2005, Sgt. Bocina Prepared a Tactical Plan for the narcotics operation related to this incident. (Enc. 33) According to the plan, Sgt. Bocina and PO Cherry were assigned to a gray Dodge SUV, PO Castle and PO Bannister were assigned to a gold Ford Freestar mini-van and PO Acomata and PO Bedford were assigned to a blue Dodge mini-van.

According to the 73<sup>rd</sup> Precinct Command Log for June 28, 2005, § 87(2)(b) and § 87(2)(b) were brought to the 73<sup>rd</sup> Precinct stationhouse at 10:20 p.m. (Enc. 34) They were both arrested at 10:30 p.m., in

front of 1388 § 87(2)(b) and charged with selling marijuana. § 87(2)(b) was in good physical and metal condition but § 87(2)(b) was injured. At 11:30 p.m., an ambulance was called to the stationhouse and § 87(2)(b) was transported to § 87(2)(b). He returned from the hospital at § 87(2)(b). There is no notation in the log of § 87(2)(b) being strip-searched.

#### **Criminal and Criminal Court Cases:**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Complainant/Victim Histories:**

§ 87(2)(b) has two prior CCRB complaints. (Enc. 9A-D) § 87(2)(b)

§ 87(2)(b) has no prior CCRB complaints. (Enc.10) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Officer Histories:**

PO Leroy Bedford has no substantiated cases in his CCRB history for which he received discipline. (Enc. 5) He has been a member of the New York Police Department for 6 years. PO Yuri Acomata has no substantiated cases in his CCRB history for which he received discipline. (Enc. 6) He has been a member of the New York Police Department for 6 years. Sgt. Roy Bocina has no substantiated cases in his CCRB history for which he received discipline. (Enc. 7) He has been a member of the New York Police Department for 9 years. PO Patrick Cherry has no substantiated cases in his CCRB history for which he received discipline. (Enc. 8) He has been a member of the New York Police Department for 5 years. Officer

#### **Conclusions and Recommendations:**

#### **Officer Identification:**

§ 87(2)(b) stated that one of the two officers who initially stopped him told him to “Cut the fucking camera off.” Based on the CCRB statement of arresting officer Leroy Bedford, a dark-skinned Hispanic

male, he and PO Yuri Acomata were the two officers who initially stopped § 87(2)(b) § 87(2)(b) stated that the subject of this allegation was a black male and other officers referred to him as “Leroy.” § 87(2)(g)

By all accounts, officers forcibly entered § 87(2)(b) in Brooklyn. Sgt. Roy Bocina was the highest ranking officer at the location, had full knowledge of why officers were entering the building and based on his own CCRB statement he led the chase into the building. § 87(2)(g)

§ 87(2)(b) alleged that multiple officers used physical force to pull him out of § 87(2)(b) in Brooklyn and take him to the ground. In their CCRB statements, Sgt. Bocina, PO Cherry and PO Acomata acknowledged that they were officers who used pulled § 87(2)(b) out of the house § 87(2)(g)

§ 87(2)(b) alleged that a white male officer stated, “Put him the fucking car,” after he was apprehended. He also stated that as he was being placed in a van, § 87(2)(b) asked the same white officer why § 87(2)(b) was injured and that same officer then told her to get on the sidewalk. § 87(2)(b) alleged that the white male officer who she was arguing with, punched her in the chest, threatened to arrest her and spoke obscenely and/or rudely to § 87(2)(b). In the videotape of the incident PO Cherry, a white male, can be seen arguing with § 87(2)(b) after she asks what happened to § 87(2)(b) and telling her to get on the sidewalk. § 87(2)(g)

Sgt. Bocina was the highest ranking officer involved in this incident. In his CCRB interview, Sgt. Bocina stated that he had full knowledge of and authorized the search and seizure of § 87(2)(b) s car and the strip-search of § 87(2)(b) § 87(2)(g)

As explained above, § 87(2)(b) stated that Officer “Bedford” hit her with her car but she never articulated how she obtained that name and she was ultimately uncooperative. None of the interviewed officers recalled who drove § 87(2)(b) s car from the location and the driver could not be identified based on the video of the incident. § 87(2)(g)

#### **Issue in Dispute:**

In his CCRB statement, § 87(2)(b) denied selling drugs but in his IAB interview he stated that § 87(2)(b) was selling drugs and that drugs were found in § 87(2)(b) s car. PO Bedford and PO Acomata stated that they observed § 87(2)(b) and § 87(2)(b) selling drugs out of the car. § 87(2)(b) claimed that PO Bedford told him to “Cut that fucking camera off.” Neither PO Bedford nor PO Acomata recalled any such statement being made.

§ 87(2)(b) stated that he worried about § 87(2)(b) s car and asked § 87(2)(b) to move it after he had taken his ID from the car and PO Bedford and PO Acomata began to peer into the car. PO Bedford and PO Acomata stated that § 87(2)(b) did not go into his sister’s car and that he became agitated and asked § 87(2)(b) to move the car after PO Bedford told § 87(2)(b) that he could not go inside his car.

§ 87(2)(b) stated that he walked into § 87(2)(b) made a phone call, began to leave the house and officers knocked down the front door of the house and arrested him as he was leaving. Sgt. Roy Bocina, PO Patrick Cherry and PO Yuri Acomata all stated that § 87(2)(b) fled into the house, tried to close the door on them and was arrested after they were able to push the door back open. § 87(2)(b) claimed that PO Patrick Cherry punched in the face after entering the house. PO Patrick Cherry and PO Yuri Acomata both denied punching § 87(2)(b) but Sgt. Bocina acknowledged that he inadvertently hit § 87(2)(b) in the face while trying to pull him out of the house.

§ 87(2)(b) stated that he was handcuffed inside the vestibule of § 87(2)(b) Sgt. Roy Bocina, PO Patrick Cherry and PO Yuri Acomata, PO Castle, PO Bannister and witness § 87(2)(b) stated that he was handcuffed on the ground outside the apartment.

§ 87(2)(b) and § 87(2)(b) stated that PO Cherry cursed at other officers and members of the crowd. § 87(2)(b) also alleged that PO Cherry punched her and hit her with a car. All the interviewed officers denied that PO Cherry hit or cursed at § 87(2)(b) or any other members of the crowd.

#### **Credibility:**

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g) In his CCRB statement, § 87(2)(b) claimed that PO Bedford told him to “Cut that fucking camera off.” He stated that he ignored that command, continued filming and only stopped filming after he was told to turn the camera off a second time. The video footage did not contain any officers cursing at § 87(2)(b) or telling him to turn the video camera off. § 87(2)(b) actually turned the camera off when a civilian woman told him to do so. § 87(2)(b) also claimed that officers knocked the front door of § 87(2)(b) off its hinges and to the ground but the video footage taken of the door immediately after the incident showed that it was still intact and had relatively minor damage to only the lower hinge.

§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

#### **Allegations Not Pleaded:**

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation A) Discourtesy:** At § 87(2)(b) in Brooklyn, PO Leroy Bedford spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b) claimed that while he was standing at § 87(2)(b) in Brooklyn, PO Leroy Bedford, stated, “Cut the fucking camera off.” § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

In his IAB interview, § 87(2)(b) stated that after he handed his ID to PO Bedford, the officer stated, “You better not have any damn warrants” but in his CCRB statement, he changed the statement to, “You better not have any fucking warrants.” § 87(2)(g)

§ 87(2)(b) PO Bedford and PO Acomata both stated the § 87(2)(b)



§ 87(2)(b) refused to comply with their request for ID and as explained above their version of events was credited.

§ 87(2)(g)

**Allegation B) Abuse of Authority: Sgt. Roy Bocina authorized the forcible entry into § 87(2)(b) in Brooklyn.**

§ 87(2)(b) claimed that officers knocked the front door of § 87(2)(b) off its hinges, the door fell to the ground and officers entered the front vestibule. § 87(2)(g)

§ 87(2)(b) *Kamin's Search and Seizure* states, "A suspect may not thwart an otherwise proper arrest set in motion in a public place by escaping into his residence." (Enc. 1A-B) § 87(2)(g)

**Allegation C) Force: At § 87(2)(b) in Brooklyn, PO Patrick Cherry used physical force against § 87(2)(b)**

**Allegation D) Force: At § 87(2)(b) in Brooklyn, Sgt. Roy Bocina used physical force against § 87(2)(b)**

**Allegation E) Force: At § 87(2)(b) in Brooklyn, PO Yuri Acomata used physical force against § 87(2)(b)**

§ 87(2)(b) claimed that PO Cherry punched him in the face immediately upon entering § 87(2)(b). He further claimed that Sgt. Bocina, PO Cherry and PO Acomata handcuffed him, walked him outside the house and threw him onto the ground. The three subject officers stated that § 87(2)(b) was pulled out of the house because he attempted to barricade himself inside. The subject officers further stated that they pulled § 87(2)(b) down onto the front patio in order to handcuff him and while on the ground they had to force his arms behind his back because he refused to place them behind his back. PO Castle, PO Bannister and witness § 87(2)(b) corroborated that fact that § 87(2)(b) was handcuffed on the floor of the patio and PO Castle and PO Bannister supported the claim that § 87(2)(b) refused to place his hands behind his back when the subject officers tried to handcuff him.

Sgt. Bocina acknowledged that while initially attempting to pull § 87(2)(b) out of the house, he inadvertently hit § 87(2)(b) in the face. Based on the above credibility analysis and § 87(2)(b) supporting statement, the subjects officers' explanation of their use of force was credited.

New York State Penal Law §35.30 explains when officer can use physical force. It states:

"A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, ...of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect an arrest." (Enc.2)

§ 87(2)(g)

**Allegation F Discourtesy: At § 87(2)(b) in Brooklyn, PO Patrick Cherry spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) claimed that after he was apprehended in front of § 87(2)(b) in Brooklyn, PO Cherry stated, “Put him in the fucking car.” PO Cherry and every other interviewed officer denied the allegation. § 87(2)(g)

**Allegation G) Force: At § 87(2)(b) in Brooklyn, PO Patrick Cherry used physical force against § 87(2)(b)**

**Allegation H) Abuse of Authority: At § 87(2)(b) in Brooklyn, PO Patrick Cherry threatened to arrest § 87(2)(b)**

**Allegation I) Discourtesy: At § 87(2)(b) in Brooklyn, PO Patrick Cherry spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) claimed that when she asked PO Cherry what happened to § 87(2)(b) he punched her in the chest causing her to fall back and she need to be caught by an officer and a civilian. She further claimed that PO Cherry threatened to arrest her and when § 87(2)(b) objected to his actions PO Cherry stated, “Mind your fucking business.” § 87(2)(g)

**Allegation J) Abuse of Authority: At § 87(2)(b) in Brooklyn, Sgt. Roy Bocina authorized the search of the car in which § 87(2)(b) and was an occupant.**

**Allegation K) Abuse of Authority: At § 87(2)(b) in Brooklyn, Sgt. Roy Bocina authorized the seizure of § 87(2)(b) s property.**

There is no dispute that § 87(2)(b) was using § 87(2)(b) s car and that the car was searched and seized by officers involved in the incident. Sgt. Bocina acknowledged that he authorized the search and seizure of the car. *Kamin’s Search and Seizure* states, “The police may search a vehicle and any containers found inside when they have probable cause to believe that it contains contraband, a weapon, or evidence of a crime.” (Enc. 3A) § 87(2)(g)

As for the seizure of the car, *Kamin’s* states that a car may be impounded when, “There is a reasonable basis to believe that the car was used in the commission of a crime.” (Enc. 3B) § 87(2)(g)

§ 87(2)(g)

**Allegation L) Force:** At § 87(2)(b) in Brooklyn, an officer struck § 87(2)(b) with a vehicle.

§ 87(2)(b) claimed that an officer drove her car away from the § 87(2)(b) and hit her in the leg while driving away. § 87(2)(b) was uncooperative, all of the interviewed officers denied the allegation and no officer could be identified as the one who drove § 87(2)(b)'s car from the location. § 87(2)(g) The video footage from the incident shows the car being pulled off but no civilians appear to be hit by the car and no one reacts as if the car hit them. § 87(2)(g)

**Allegation M) Abuse of Authority:** At the 73rd Precinct stationhouse, Sgt. Roy Bocina authorized the strip-search of § 87(2)(b)

§ 87(2)(b) stated that he was strip-searched while at the 73<sup>rd</sup> Precinct stationhouse. Sgt. Bocina was the only officer who recalled a strip-search taking place but several officers acknowledged that given the fact that § 87(2)(b) was arrested for drug sales he was most likely strip-searched. § 87(2)(g)

Patrol Guide Procedure 208-05 states:

“A strip-search will be utilized when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by [more limited] search methods.” (Enc. 4A)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: